

**SEPARATE STATEMENT OF
CHAIRMAN MICHAEL K. POWELL**

Re: Improving Public Safety Communications in the 800 MHz Band (WT Docket No. 02-55), et al., Report and Order and Fourth Report and Order. (Adopted July 8, 2004).

Congress has imposed many important obligations on the Commission. One of the Commission's most important commitments is to promote safety of life and property using wire and radio communications. Today, it is more important than ever before that public safety agencies have access to reliable, robust, interference-free communications systems. To protect our communities, our citizens, and our Nation, we must take every action at our disposal to achieve the seamless communications necessary for emergency preparedness and response.

The 800 MHz band has become increasingly crucial to public safety communications. Because of the interleaved nature of the band and the close proximity of incompatible technologies, over the years, these systems have encountered escalating amounts of interference from commercial cellular systems. In response, the Commission released a Notice of Proposed Rulemaking to reconfigure the 800 MHz band to abate the interference caused to public safety systems. This proceeding's extensive record of over 2,200 filings depicts the complexity of the issue and difficulty in constructing a solution that is technically sound, effective and equitable to all parties. Although today's Order incorporates proposals and suggestions from various parties on record, it is a Commission-derived solution that represents the most comprehensive and effective means of solving the 800 MHz public safety interference problem.

Our decision fulfills our mandate to promote public safety by reconfiguring the 800 MHz public safety band to segregate systems causing unacceptable levels of interference to public safety communications. Without these measures, countless lives are at risk because our Nation's first responders cannot rely on their radios in emergencies. In the short term, the Order establishes technical rules and procedures that define and alleviate "unacceptable interference" to public safety systems. Longer term, the Order adopts a restructuring plan that spectrally separates incompatible technologies to maximize interference protection for present and future public safety systems and provides a smooth transition to the new band with minimal disruption to public safety systems and other affected parties.

The Commission-derived plan requires Nextel to relinquish spectrum and reband 800 MHz and relocate incumbents in 800 MHz and 1.9 GHz. Nextel must also complete the reconfiguration within three years and obtain a letter of credit to guarantee its completion for public safety licensees. It is important to emphasize that Nextel is responsible for all costs of relocating public safety licensees.

This decision is by far one of the most complex matters to come before the Commission; however, it is unquestionably one of the most important decision affecting public safety and the American people. We will carefully monitor the progress of public safety relocation and will take all necessary steps to ensure full compliance of the plan we adopt today.